

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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|--------------------------------------|---|---------------------------|
| Denny Densmore, | * | |
| Plaintiff, | * | |
| | * | |
| v. | * | Case No. 1:15-cv-00096-JL |
| | * | |
| National Board of Medical Examiners, | * | |
| Defendant. | * | |

ASSENTED-TO MOTION FOR VOLUNTARY NONSUIT WITH PREJUDICE

NOW COMES the plaintiff Denny Densmore, by and through his attorneys Douglas, Leonard & Garvey, P.C., and respectfully submits the within Assented-To Motion for Voluntary Nonsuit With Prejudice, stating as follows:

1. The plaintiff is unable to proffer expert testimony at trial, and as plaintiff's counsel conceded at the recent conference with the Court, the plaintiff cannot satisfy his burden of proof without such expert testimony.

2. The plaintiff therefore respectfully moves the Court grant him a voluntary nonsuit with prejudice.

3. Because the relief requested is within the discretion of the Court, no accompanying memorandum of law is believed to be required.

4. Opposing counsel assents to the relief requested.

WHEREFORE, the plaintiff respectfully prays this Honorable Court:

- A. Grant the within Motion for Voluntary Nonsuit with Prejudice;
- B. Dismiss the case; and
- C. Grant such other and further relief as is just and equitable.

Respectfully submitted,
DENNY DENSMORE
By his attorneys,

Date: October 19, 2016

By: /s/Vincent E. Nowak
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and

Date: October 19, 2016

By: /s/Benjamin T. King
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was electronically served this date through ECF to all counsel of record.

/s/ Benjamin T. King
Benjamin T. King